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 Southern District of New York  
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UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

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BESHIR MOHAMMED ZAHIR,	:	
	:	
Plaintiff,	:	
	:	<u>NOTICE OF MOTION</u>
- v. -	:	
	:	06 Civ. 4629 (JES)
ROBERT S. MUELLER, Director,	:	
Federal Bureau of Investigation; UNKNOWN	:	ELECTRONICALLY FILED
U.S. FEDERAL GOVERNMENT AGENCY OR	:	
AGENCIES; MICHAEL CHERTOFF, Secretary	:	
of the Department of Homeland Security;	:	
EMILIO GONZALEZ, Director, U.S.	:	
Citizenship and Immigration Services;	:	
MARY ANN GANTNER, District Director,	:	
U.S. Citizenship and Immigration Services, N.Y.;	:	
	:	
Defendants.	:	
-----X	:	

PLEASE TAKE NOTICE that upon the complaint and the exhibits annexed thereto; the declaration of F. James Loprest, Jr., dated June 29, 2007, and the exhibit annexed thereto; and the memorandum of law accompanying this notice, defendants Robert S. Mueller, Director of the Federal Bureau of Investigation (“FBI”); unknown United States federal Government agency or agencies; Michael Chertoff, United States Secretary of Homeland Security; Emilio Gonzalez, Director of United States Citizenship and Immigration Services (“CIS”); and Andrea Quarantillo, District Director of the CIS’s New York District<sup>1</sup> (collectively, “defendants” or “Government”), by their attorney, Michael J. Garcia, United States Attorney for the Southern District of New York, will move this Court before the Honorable John E. Sprizzo, United States District Judge, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Courtroom 14C, New York, New York

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<sup>1</sup> Andrea Quarantillo has succeeded Mary Ann Gantner as the District Director of the CIS’s New York District and therefore should be substituted as a defendant, pursuant to Fed. R. Civ. P. 25(d)(1).

10007, on September 11, 2007, at 3:00 p.m., for an order dismissing the amended complaint of plaintiff Beshir Mohammed Zahir (“plaintiff” or “Zahir”) for lack of subject matter jurisdiction and failure to state a claim upon which the Court may grant relief, pursuant to Rules 12(b)(1) and (6) of the Federal Rules of Civil Procedure, and for such other relief as the Court deems proper.

Dated: New York, New York  
June 29, 2007

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Southern District of New York  
Attorney for Defendants

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